



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Appeal of Notice of Public Nuisance and Abatement Order Dated August 15, 1991 Regarding Property Located at 217 East Lockeford Street, Lodi

**MEETING DATE:** September 4, 1991

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council, by motion action, set for public hearing on September 18, 1991 the appeal received from Attorney-at-law John C. Pyle representing Muzafar Khan regarding the Notice of Public Nuisance and Abatement Order, dated August 15, 1991 concerning the property at 217 East Lockeford Street, Lodi.

**BACKGROUND INFORMATION:** On August 15, 1991 the Fire Department issued a Notice of Public Nuisance and Abatement Order for a structure located at 217 East Lockeford Street, Lodi. The attached appeal marked, "Exhibit A" has been received from John C. Pyle, Attorney-at-Law who is representing the property owner Muzafar Khan. It is recommended that this matter be set for public hearing September 18, 1991. A copy of the subject Notice of Public Nuisance and Abatement Order, marked "Exhibit B", is attached for your information.

**FUNDING:** None required.

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR/imn

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



COUNC091/TXTA.02J/COUNCOM

CC-1

EXHIBIT A

RECEIVED  
31 AUG 27 AM 9:50  
ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

JOHN C. PYLE  
*Attorney at Law*

104 NORTH SCHOOL STREET, SUITE 209  
LODI, CA. 95240

TELEPHONE (209) 333-1771  
22 August 1991

Re: *Notice of Public Nuisance and Abatement Order, dated Aug. 15, 91  
217 East Lockford Street, Lodi, CA 95240*

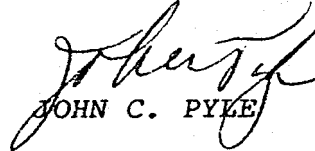
*Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240*

Madame Clerk:

*I have been retained by Mr. Muzafar Khan, the owner of the above referenced property, regarding the notice as hereinabove. Mr. Khan wishes to appeal to the City Council so that he may have the opportunity to bring the building into conformity with the city code, and other appropriate building and fire codes.*

*Thank you for your prompt attention to this matter. Please notify this office when the matter will be calendared for consideration by the council.*

Very truly yours,

  
JOHN C. PYLE

cc: *Muzafar Khan  
439 Murray Street  
Lodi, CA 95240*

# CITY OF LODI

## FIRE DEPARTMENT

FIREPREVENTION BUREAU


217 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 333-6739

### NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

August 15, 1991

Mr. Muzafar Khan  


Dear Mr. Khan:

RE: 217 EAST LOCKEFORD STREET, LODI

#### NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 041-220-0001. Said property is more commonly known as 217 East Lockeford Street, Lodi, CA. 95240.

As the property owner, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.201(b) of the Fire Code of the City of Lodi,

#### INSPECTIONS AND VIOLATIONS

On August 15, 1991, the undersigned Fire Marshal caused said property to be inspected. The following violations were discovered:

#### 1988 UNIFORM FIRE CODE

Sec. 2.201. (b) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a **hazard** to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster

damage or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings.

1988 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such Conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants 2re endangered:

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than ~~it~~ was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
8. Whenever the building or structure, or any portion thereof, because of ~~(i)~~ dilapidation, deterioration or decay; ~~(ii)~~ faulty construction; ~~(iii)~~ the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; ~~(iv)~~ the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse,.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used,
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; ~~(ii)~~ a harbor for vagrants, criminals or immoral persons; or as to ~~(iii)~~ enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

**VIOLATION:** Two story wooden structure at the rear of the property has been involved in a fire. The upstairs floor is **no** longer level indicating a shift in the building. There is not an adequate foundation. The roof **of** the structure has deteriorated. The building is in **a** dilapidated condition and is subject to collapse.

#### DETERMINATION

As a result of the foregoing violations, the undersigned Fire Marshal **has** declared the property to **be** a PUBLIC NUISANCE and has therefore made the following determination:

1. The two story wooden structure at the rear of the property in question shall be demolished and removed from the premises.

Appropriate building permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

Demolition **work** shall be subject to the review of the Building Official in **accordance** with provisions set forth in Section 4409 of **the** Building Code of the City of Lodi.

In all cases, the required work is subject to inspection and approval of the Building Official and Fire Marshal.

#### TIME PERIOD FOR COMPLIANCE

1. All demolition work required shall begin within thirty (30) days of this Notice and shall be completed within ninety (90) days of this Notice.

#### ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings, **this** Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the time determined above.

217 E. Lockeford St.  
August 15, 1991  
Page 4

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 15.28.070 of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 West Pine Street, Lodi, CA 95240) within ten (10) days from the date of personal service or mailing of the order which is being appealed,

FAILURE TO COMPLY

Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set, whether under appeal or not, the City Council shall have the power, in addition to any other remedy herein provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.
2. Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Should you require additional information, please contact this office.

*Steven W. Raddigan*

Steven W. Raddigan  
Fire Marshal

SR/lh

cc: City Attorney  
Community Development Director  
Chief Building Inspector

DECLARATION OF MAILING

On September 5, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There *is* a regular daily communication by mail between the City of Lodi , California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 5, 1991, at Lodi, California.

\_\_\_\_\_  
Alice M. Reimche  
City Clerk

\_\_\_\_\_  
Jennifer M. Perrin  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: **September 18, 1991**

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk  
Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

**September 18, 1991**

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) **Appeal received from John C. Pyle, Attorney-At-Law, representing Muzafar Khan regarding Notice of Public Nuisance and Abatement Order, dated August 15, 1991 issued by Steven W. Raddigan, Fire Marshal, for the property located at 217 East Lockeford Street, Lodi.**

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the **Public** Hearing,

By Order Of the Lodi City Council:

Alice M. Reimche  
City Clerk

Dated: **September 4, 1991**

Approved as to form:

**Bobby W. McNatt**  
City Attorney



APPEAL REGARDING  
MUZAFAR KHAN  
MAILING LIST  
EXHIBIT B

Steven Raddigan  
Fire Marshal

John C. Pyle  
Attorney-At-law  
104 N. School Street  
Suite 209  
Lodi, CA 95240

**Mr. Muzafar Khan**  
217 East tockeford Street  
Lodi, CA 95240

24(c)

P 798 399 844

9/18/91 PW

**Certified Mail Receipt**

No Insurance Coverage Provided

Do not use for International Mail  
(See Reverse)UNITED STATES  
POSTAL SERVICE

Sent to	
John C. Pyle	
Street & No.	
[REDACTED]	
P.O., State & ZIP Code	
Lodi, CA 95240	
Postage	\$ 0.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	
9/23/91	

PS Form 3800, June 1990

P 798 399 845



**Certified Mail Receipt**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Revers?)

Sent 10

**Muzaffar Kahn**

Street & No.

[REDACTED ADDRESS]

P.O., State & Zip Code

**Lodi, CA 95240**

Postage	\$ 0.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	9/23/91

PS Form 3800, June 1990

**SENDER:**

- Complete items 1 and/or 2 for additional service.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
  - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

**3. Article Addressed to:**

Mr. John C. Pyle  
Attorney at Law  
104 N. School Street  
Lodi, CA 95240

**4a. Article Number**

P 798 399 844

**4b. Service Type**

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☒ Return Receipt for Merchandise

**7. Date of Delivery****5. Signature (Addressee)****6. Signature (Agent)****8. Addressee's Address (Only if requested and fee is paid)**

PS Form 3811, October 1990

U.S. GPO: 1990-275-581

**DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business



PENALTY FOR PRIVATE  
USE \$300

Print your name, address and ZIP Code here

City of Lodi  
City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Muzaffar Kahn

4a. Article Number

P 798 199 845

4b. Service Type

- ☐ Registered ☐ Insured
- ☐ Certified ☐ C.O.D.
- ☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery

9/25/91

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, October 1990

U.S. GPO: 1990-273-261

**DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business



PENALTY FOR PRIVATE  
USE \$300

Print your name, address and ZIP Code here

City of Lodi  
City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910